

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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RICHARD A. DIMARCO,

Petitioner,

v.

ORDER  
07 CV 1906 (NGG)

UNITED STATES OF AMERICA,

Respondent.

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GARAUFIS, United States District Judge.

Petitioner Richard A. DiMarco ("Petitioner") pleaded guilty before this court on August 9, 2005 to possessing a firearm after having been previously convicted of a felony, in violation of 18 U.S.C. § 922. On April 4, 2006, this court sentenced Petitioner to 30 months incarceration. Judgment was entered on April 11, 2006. Since Petitioner did not file an appeal, Petitioner had until April 21, 2007 to timely file a habeas petition.

On April 18, 2007, Petitioner filed a motion for an extension of time to file a habeas corpus petition alleging that his counsel was ineffective. (Motion for the Court to Grant More Time to File a (2255) Habeas Corpus Petition Under 28 U.S.C. For Ineffective Assistance of Counsel ("Petitioner's Motion") at ¶ 1.) Petitioner's Motion contains sufficient allegations supporting a claim for relief and was timely filed. See Green v. United States, 260 F.3d 78, 82-83 (2d Cir. 2001). Therefore, this court construes Petitioner's Motion as a petition for habeas

corpus filed under 28 U.S.C. § 2255, and Petitioner is granted until June 8, 2007 to supplement his petition. The respondent shall have until July 27, 2007 to file a response.

SO ORDERED.

Dated: May 9, 2007  
Brooklyn, NY

/signed/  
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Nicholas G. Garaufis  
United States District Judge